

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

On the Commissioner's Own Motion for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the Union Pacific Railroad Co. Tracks with 19th Avenue in the Town of Necedah, Juneau County

9040-RX-1190

SUPPLEMENTAL ORDER

On September 30, 2004, the Office of the Commissioner of Railroads (OCR) issued an order that required the installation of 12" LED automatic flashing lights with gates, and constant warning time circuitry at the public crossing of the Union Pacific Railroad Co. (UP or railroad) tracks with 19th Avenue in the Town of Necedah, Juneau County by October 31, 2005 (Crossing No. 179 267N).

With regard to the source of funding for this installation, the order stated:

Source of funding: The costs of the signal materials shall be paid for from OCR safety funds, except that the Town of Necedah has agreed to pay up to \$10,000 toward the cost of the gates. The UP shall provide the labor to install the signals and circuitry. The estimated cost for the materials is \$65,000.

Subsequently, the UP requested that the order be amended to provide for a 50/50 split between the railroad and the public. The Wisconsin Department of Transportation supports the request. The Commissioner agrees. The source of funding shall be 50% from the Union Pacific Railroad Co. and 50% from OCR safety funds and the Town of Necedah.

THEREFORE, IT IS ORDERED,

1. That the **Union Pacific Railroad Co.** shall bear 50% of the cost for the signals materials and installation and the State of Wisconsin and the Town of Necedah shall pay the remaining 50%, provided that the Town of Necedah's contribution shall not exceed \$10,000. The Union Pacific Railroad Co. shall also be responsible for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

2. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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